

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

HOPE MARIAN REDINGER,	:	
Plaintiff,	:	
vs.	:	CA 20-0204-MJ-MU
MAGIC CITY ORGANICS, LLC,	:	
Defendant.	:	

ORDER

Plaintiff Redinger filed this copyright infringement action in this Court (specifically, the Northern Division of the Southern District of Alabama) on April 2, 2020 (see Doc. 1) and the case has landed on the undersigned’s opt-out docket (see Doc. 2). The Complaint shows that the Defendant, Magic City Organics, LLC, has its place of business at 2829 2nd Avenue South, Suite 220, in Birmingham, Alabama 35233. (Doc. 1, ¶ 6). Redinger asserts that Magic City ran a cannabis portrait/photograph she had registered with the United States Copyright Office on its Instagram website to promote its business without licensing the photograph from her or obtaining her permission or consent to publish the photograph. (See *Id.* at ¶¶ 7-11).

In a patent infringement action, venue is proper “in the judicial district where the defendant resides, **or** where the defendant has committed acts of infringement and has a regular and established place of business.” 28 U.S.C. § 1400(b) (emphasis supplied). Here, based on the face of the complaint, the judicial district where the Defendant resides

is the Northern District of Alabama¹ and the Defendant's regular and established place of business is in Birmingham, Alabama (Doc. 1, ¶ 6). Based on the contents of the Complaint, therefore, it appears to the Court that venue has been improperly laid in the Northern Division of the Southern District of Alabama. Accordingly, Plaintiff is **ORDERED** to advise this Court, not later than **April 22, 2020**, why this action should not be dismissed or, in the alternative, transferred to the Southern Division of the Northern District of Alabama. See 28 U.S.C. § 1406(a) ("The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.").

DONE and **ORDERED** this the 7th day of April, 2020.

s/P. Bradley Murray
UNITED STATES MAGISTRATE JUDGE

¹ The Southern Division of the Northern District of Alabama comprises the counties of Blount, Jefferson and Shelby and court for this division "shall be held at Birmingham." 28 U.S.C. § 81(a)(3). In contrast, the Northern Division of the Southern District of Alabama comprises five counties (including Dallas county), with court to be held at Selma, Alabama, 28 U.S.C. § 81(c)(1); and, of course, the Southern Division of the Southern District of Alabama comprises eight counties (including Mobile County), with court to be held at Mobile, Alabama, 28 U.S.C. § 81(c)(2).